

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Administration of the
North American Numbering Plan

Phase 1

CC Docket No. 92-237

REPLY COMMENTS OF COX ENTERPRISES, INC.

Cox Enterprises, Inc. ("Cox"), by its attorneys, hereby provides its reply comments on the Commission's Notice of Inquiry on the administration of the North American Numbering Plan.^{1/} Based on the comments in this proceeding, it is evident that the Commission should move swiftly to facilitate truly neutral telephone numbering administration, with the costs of administration fairly allocated among users of numbering resources. The Commission also should act to assure that Personal Communications Services ("PCS") numbers will be available and to hasten the beginning of telephone number portability.

I. INTRODUCTION

Review of the comments in this proceeding reveals a fundamental split between two groups of commenters. Local exchange carriers ("LECs") generally are content with the current administration of telephone numbering and believe the Commission should be very cautious in implementing local number portability. All other

^{1/} *Administration of the North American Numbering Plan*, Notice of Inquiry, 7 FCC Rcd 6837 (1992).

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parties, including interexchange carriers, cellular carriers, paging carriers, competitive access providers and state regulators, have a much less sanguine view of current numbering administration. Their comments show that the Commission should intervene promptly in numbering administration in order to assure fair assignment of numbering resources and to prevent the use of numbering resources for anticompetitive purposes by landline telephone companies.

This dichotomy is unsurprising, but quite telling. Telephone companies have every reason to be satisfied with the current administration of telephone numbering because it works to their advantage. Other users of numbering resources have every reason to want improved oversight of numbering issues because that is the only way to assure that telephone numbering administration benefits the public interest, not merely the interests of landline telephone companies. If the Commission expects to advance important pro-competitive objectives, it must take affirmative steps immediately to reform the administration of telephone numbering.

II. TELEPHONE NUMBERING SHOULD BE ADMINISTERED BY A NEUTRAL BODY.

Cox's comments established that, at a minimum, there is an appearance of bias and a lack of accountability in current administration of telephone numbering. *See* Comments of Cox at 2-8. These problems can be traced directly to the current form of numbering administration, which should be replaced with an independent, neutral structure.

Many other parties concur in Cox's judgment. These parties reported instances of bias, *see, e.g.*, Comments of Information Industry Association at 3, Comments of MCI Telecommunications Corporation ("MCI") at 3-15, and agree that the links, financial and otherwise, between Bellcore and landline telephone companies make the current system of numbering administration inherently suspect.^{2/} *See, e.g.*, Comments of American Personal Communications at 1-2. AT&T, which conceived of the North American Numbering Plan more than 40 years ago, agrees that administration of telephone numbering should be removed from Bellcore. Comments of American Telephone and Telegraph Company at 4-7.

Despite this extensive record of legitimate concerns about Bellcore's administration of telephone numbering, the landline local exchange carriers argue that there is no need for change because they do not perceive any problems. *See, e.g.*, Comments of Ameritech at 4-5. This is hardly surprising, since they are the usual beneficiaries of numbering administration decisions. For instance, as Cox described in its Comments, *XX code assignments are made essentially without the involvement of non-LECs, and Bellcore considers NPA requests to be "proprietary," even though the LECs requesting new NPAs have no proprietary interest in numbering resources. Comments of Cox at 7-8. In other words, what the telephone companies perceive as

^{2/} Some parties also note that the diffuse nature of authority over numbering issues results in unfair results. *See* Comments of Telocator at 5.

even-handedness seems that way only because they historically have been able to get what they want.

The solution to this problem is to take control of numbering management away from the LECs and to put it into neutral hands. The parties that support reforming numbering administration propose a variety of mechanisms to achieve this goal, but the key element of each proposal is to eliminate the dominant role of LECs, especially the Bell companies, in telephone numbering decisions. Instead, all decisions about numbering should reside in a single body with full industry representation and the day-to-day administration of numbering resources should be removed from the dominant LECs in favor of a unitary administrator.

It also is important for the Commission to begin this process immediately. The LECs, while accepting grudgingly that numbering administration might be shifted from Bellcore, argue that any transition should wait until at least 1995, after interchangeable NPAs are implemented. See Comments of United States Telephone Association at 9. There is no reason for this apparently orchestrated telephone industry position, because 1995 is not a cut-off for any meaningful numbering decisions.^{3/} A host of important numbering decisions which must be made between now and 1995, including the assignment of NPAs to PCS providers and the long-term plans for

^{3/} In fact, 1995 represents only the time by which telephone equipment must be configured to accept interchangeable NPAs. The basic issues regarding interchangeable NPAs, including the decision to implement them instead of adopting some alternative approach, were made years ago.

telephone numbering, should not be left to Bellcore. Indeed, if there is to be any hope of fair decisions about these issues, the Commission should move as quickly as possible to create a neutral body to administer telephone numbering.

III. THE COSTS OF TELEPHONE NUMBERING SHOULD BE ALLOCATED FAIRLY AMONG USERS OF NUMBERING RESOURCES.

No matter who administers telephone numbers, the costs of administration must be covered by the parties that benefit from numbering assignments. The comments show that, as Cox suggested, allocation of numbering costs to those who cause them is the best approach.

The record shows that users of telephone numbering resources already are paying for the resources they use. In many cases, the charges have little or nothing to do with the costs of service. For instance, Teleport notes that it leases central office codes and then pays a recurring monthly fee for each number it has reserved, a fee that is not cost-based. Comments of Teleport Communications Group at 4, n.7. Other non-LEC carriers report similar charges. These charges almost certainly more than offset the relatively minimal costs of assigning telephone numbering resources to non-LECs. These costs are especially small when compared with those for the vastly-greater numbering resources that the LECs, as an industry segment, have assigned to themselves.

The Commission, when designing the appropriate form of numbering administration, also should assure that the costs of administration are recovered in a reasonable manner. Equitable cost recovery should not burden any carrier

disproportionately to its use of numbering resources. Several different approaches to cost recovery could achieve this result, including specific per-number levies or explicit inclusion of numbering costs in charges routinely assessed to carriers. *See* Comments of Vanguard Cellular Systems, Inc. at 5. The Commission must not, however, as suggested by Telocator, condition participation in any numbering body on payment of numbering-related costs. Comments of Telocator at 8-9. This approach would have the effect of inhibiting participation in numbering issues by smaller entities and by parties not supported by regulated ratepayers. This would perpetuate the effects of current practices which reward deep pockets and thus give LECs unfair advantages in numbering deliberations today. *See* Comments of Cox at 6-7.

IV. THE COMMISSION SHOULD NOT DELAY CONSIDERATION OF NUMBER PORTABILITY ISSUES.

LECs, eager to retain the *status quo* for as long as possible, also urge the Commission to delay consideration of number portability. They claim that number portability would be premature because it is difficult and expensive. *See, e.g.,* Comments of GTE Service Corporation ("GTE") at 18-19. The Commission should reject these claims and begin the steps necessary to implement portability for local telephone numbers.

Many of the objections are based on a model of number portability that does not reflect the basic need. For instance, GTE argues that local number portability would require extensive changes to telephone networks. *Id.* In fact, some aspects of

number portability could be implemented very easily, just as numbers can be switched from a PBX to Centrex or vice versa today. See Comments of Ameritech at 13. Other forms of number portability might take longer, but the Commission should not require local competition to wait while there are some solutions available today.

At the same time, the Commission also should press LECs to make number portability more broadly available in forms that will be useful to competitive access providers, cellular carriers, PCS providers, other telecommunications service providers and users. The Commission's 800 number portability regime provides one approach to local number portability, but others may be possible as well, including use of signalling channels to denote how a call should be routed. The Commission should begin formal consideration of these possibilities immediately. Even if full-scale number portability cannot be made available promptly, the Commission can make it available in phases as different technologies are developed.

V. THE COMMISSION MUST ACT TO ASSURE THAT PERSONAL COMMUNICATIONS SERVICES HAVE ADEQUATE ACCESS TO NUMBERING RESOURCES.

The Commission's decisions about numbering policies will have an important effect throughout the telecommunications industry, but that effect may be most profound for personal communications services. Telephone numbers will be a vital resource for PCS providers, and the Commission must act to assure that appropriate numbers are available for PCS as soon as the service is licensed.

The Commission can take three steps to assure that PCS providers have the necessary access to telephone numbers. First, the Commission can act to hasten number portability, as described above. Second, the Commission should make both geographic and non-geographic numbers available to PCS. Finally, the Commission should assure that numbers are available when PCS providers are ready to commence service.

As described in Cox's comments, the availability of geographic and non-geographic numbers is important to the development of PCS. Many users of PCS will want non-geographic numbers, but it is equally likely that many users will want traditional geographic telephone number assignments. As GTE recognizes, it is important for PCS providers to be able to adopt either approach or both if the market demands such a result. Comments of GTE at 14-15. This flexibility is particularly important for an emerging service.

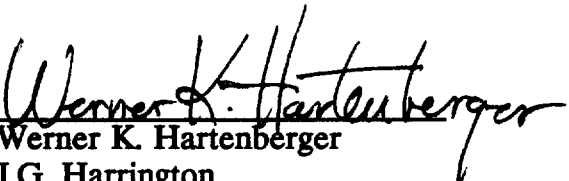
Flexibility is useless, however, unless numbers actually are available. As discussed in Cox's comments, the Commission must intervene to assure that PCS numbers are available, and that standards for assignment of PCS NXXs and other issues are resolved by the time PCS service is ready to begin. Comments of Cox at 16-17. Otherwise, PCS operators could be severely disadvantaged at the worst possible time, just as they begin to enter the telecommunications marketplace.

VI. CONCLUSION

The Commission should take immediate steps to reform telephone numbering administration in the United States. These steps are necessary to assure that administration of numbering resources is fair and reflects the needs of all users of those resources. Numbering reform also requires number portability and affirmative steps to make adequate numbering resources available to PCS providers when they need them. For all of these reasons, Cox Enterprises, Inc. respectfully requests that the Commission act in accordance with its comments and these reply comments in this proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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